

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PEOPLE'S UNITED EQUIPMENT
FINANCE CORP.,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

MEMORANDUM & ORDER
12-CV-5811 (JS) (AYS)

GOTHAM LOGISTICS, INC., GOTHAM
LOGISTICS OF JFK, INC., HIGHPOINT
LOGISTICS, INC., and WILLIAM
CESERETTI,

Defendants.

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APPEARANCES

For Plaintiff: Robert T. Bonsignore, Esq.
300 Frank W. Burr Blvd., Ste. 50
Teaneck, NJ 07666

For Defendants:
William Ceseretti Gideon Orion Oliver, Esq.
277 Broadway, Ste. 1501
New York, NY 10007

For Gotham Logistics,
Gotham Logistics of
JFK, and Highpoint No appearance.

SEYBERT, District Judge:

Plaintiff People's United Equipment Finance Corp.
("Plaintiff") commenced this breach of contract action on November
26, 2012 against defendants Gotham Logistics, Inc. ("Gotham"),
Gotham Logistics of JFK, Inc. ("JFK"), Highpoint Logistics, Inc.
("Highpoint"), and William Ceseretti ("Ceseretti" and
collectively, "Defendants"). Pending before the Court is
Plaintiff's motion seeking a default judgment, (Docket Entry 31),
and Magistrate Judge Anne Y. Shields' Report and Recommendation

("R&R") recommending that Plaintiff's motion be GRANTED (Docket Entry 35). For the following reasons, the Court ADOPTS Judge Shields' R&R in its entirety.

BACKGROUND

Plaintiff filed a motion seeking a default judgment against Defendants on February 6, 2015. (Docket Entry 31.) On April 24, 2015, the undersigned referred Plaintiff's motion to Judge Shields for an R&R on whether the motion should be granted. (Docket Entry 32.)

On February 3, 2016, Judge Shields issued her R&R. (Docket Entry 35.) The R&R recommends that the Court enter a default judgment against defendants Gotham, Highpoint, and Ceseretti, but that no award of damages be entered against defendant JFK because it was only named as a possible holder of collateral and did not sign the contract at issue. (R&R at 3.) The R&R further recommends that the judgment in this case should reflect that "if any collateral identified in the order of seizure herein is ever recovered and sold, the net proceeds of any such sale shall be credited against any amount collected from [Gotham], Highpoint and Ceseretti." (R&R at 3.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C.

§ 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Shields' R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Shields' R&R (Docket Entry 35) is ADOPTED in its entirety. The Clerk of the Court is directed to enter judgment in favor of Plaintiff and against Defendants Gotham, Highpoint, and Ceseretti, however, no award of damages shall be entered against Defendant JFK. In addition, the default judgment shall provide that if any collateral identified in the Order of Seizure (Docket Entry 15) is ever recovered and sold, the net proceeds of any such

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sale shall be credited against any amount collected from Gotham,
Highpoint, and Ceseretti. The Clerk of the Court is further
directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 22, 2016
Central Islip, New York